

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,	*
Plaintiff,	*
-v- 15-CR-17	*
JAY GOLDMAN,	*
Defendant.	*

Transcript of Waiver and Plea Hearing regarding the
above-referenced matter, held before the Honorable Mae A.
D'Agostino, United States District Court Judge, at the
James T. Foley United States Courthouse, 445 Broadway,
Albany, New York, on April 20, 2015.

FOR THE GOVERNMENT:

OFFICE OF THE UNITED STATES ATTORNEY
445 Broadway
Albany, New York 12207
By: Robert Sharpe, AUSA

FOR THE DEFENDANT:

E. STEWART JONES, JR., ESQ.
28 Second Street
Troy, New York 12180

1 COURT CLERK: Today is Monday, April 20th,
2 2015, the time is 11:35 A.M. The case is United States
3 of America versus Jay Goldman, case number 15-CR-17. We
4 are here for a waiver and plea hearing, may we have
5 appearances for the record please.

6 MR. SHARPE: Robert Sharpe on behalf of the
7 United States. Good morning, Judge D'Agostino.

8 THE COURT: Good morning, Mr. Sharpe.

9 MR. JONES: Good morning, Judge. E. Stewart
10 Jones on behalf of Mr. Goldman and Mr. Goldman in person.

11 THE COURT: Good morning, Mr. Jones. Good
12 morning, Mr. Goldman.

13 THE DEFENDANT: Good morning.

14 THE COURT: I understand we're here today
15 because the defendant wants to waive indictment and enter
16 a plea of guilty to an information; is that correct?

17 MR. JONES: That's correct, your Honor.

18 THE COURT: All right. Miss Norton, would you
19 swear in Mr. Goldman please.

20 COURT CLERK: Mr. Goldman, would you please
21 stand and raise your right hand. Will you please state
22 your name for the record.

23 THE DEFENDANT: Jay Stuart Goldman.

24 (Whereupon, defendant placed under oath)

25 THE COURT: You may be seated. Mr. Goldman,

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1 I'm going to ask you some questions and you can stay
2 seated to answer them but please use the microphone so I
3 can hear your answers.

4 Your full name is Jay Stuart Goldman; is that
5 correct?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: How old are you, sir?

8 THE DEFENDANT: Sixty-three.

9 THE COURT: And what country are you a citizen
10 of?

11 THE DEFENDANT: U.S.

12 THE COURT: What's the highest grade of school
13 that you completed?

14 THE DEFENDANT: Four year -- fourth year of
15 college.

16 THE COURT: Where are you living at the present
17 time?

18 THE DEFENDANT: Half and half. Saratoga
19 Springs half a year and Lakewood, Florida, half a year.

20 THE COURT: Are you married?

21 THE DEFENDANT: Yes, your Honor.

22 THE COURT: Do you have children?

23 THE DEFENDANT: No, your Honor.

24 THE COURT: Are you working at the present
25 time?

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1 THE DEFENDANT: No, your Honor.

2 THE COURT: What type of work were you doing
3 previously?

4 THE DEFENDANT: I was in the ice cream
5 possession business with mobile carts. Before that I was
6 in the ice cream distribution business.

7 THE COURT: Are you using any narcotics or
8 drugs at the present time?

9 THE DEFENDANT: No, your Honor.

10 THE COURT: Have you ever used any narcotics or
11 drugs in the past?

12 THE DEFENDANT: No, your Honor.

13 THE COURT: Have you had any narcotics, drugs
14 or alcohol within the last 24 hours?

15 THE DEFENDANT: Never. Never drank, your
16 Honor.

17 THE COURT: Are you taking any kind of pills or
18 medicine that's been prescribed for you by anyone at the
19 present time?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: What are you taking?

22 THE DEFENDANT: I take half of an aspirin --
23 baby aspirin every day, I take Lotrel for blood pressure
24 5-10 milligrams, I take Urocit-K, that's for kidney
25 stones. I take Lipitor, 10 milligrams -- 10 to 20 and

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1 the other one is Doxazosin, 4 milligrams for -- it's
2 for prostate.

3 THE COURT: All right. Is there any reason why
4 your ability to understand my discussion with you today
5 is impaired in any way?

6 THE DEFENDANT: No, your Honor.

7 THE COURT: Have you been given a copy of the
8 charge against you called an Information?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: You've been charged with a
11 commission of a felony for violating Title 18, United
12 States Code, Section 1084(a) and (2).

13 Mr. Jones, do you waive my reading of that
14 Information?

15 MR. JONES: I do, your Honor.

16 THE COURT: Thank you. Do you understand the
17 charge against you, Mr. Goldman?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: At this time I have to advise you
20 of certain rights that you have. You have a
21 Constitutional right to be charged by an indictment of a
22 grand jury but you can waive that right and consent to
23 being charged by Information by the U.S. Attorney.
24 Instead of an indictment, the felony charge against you
25 has been brought by the U.S. Attorney by the filing of an

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1 Information. Unless you waive indictment, you may not be
2 charged with a felony unless a grand jury finds, by
3 return of an indictment, that there is probable cause to
4 believe that a crime has been committed and that you
5 committed it.

6 If you do not waive indictment, the government
7 may present the case to a grand jury and request
8 indictment. A grand jury is composed of at least 16 and
9 not more than 23 persons and at least 12 grand jurors
10 must find that there is probable cause to believe you
11 committed the crimes with which you are charged before
12 you may be indicted. The grand jury may or may not
13 indict you.

14 If you waive indictment by the grand jury, the
15 case will proceed against you on the U.S. Attorney's
16 Information just as though you had been indicted.

17 Mr. Goldman, have you discussed waiving your
18 right to an indictment by the grand jury with your
19 attorney?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Do you understand that you do have
22 a right to have a grand jury consider an indictment if
23 you wish?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: Have any threats or promises been

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1 made to induce you to waive indictment?

2 THE DEFENDANT: No, your Honor.

3 THE COURT: Do you wish to waive your right to
4 an indictment by the grand jury?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Mr. Jones, do you see any reason
7 why the defendant should not waive indictment?

8 MR. JONES: I do not, your Honor.

9 THE COURT: Thank you. It's my understanding
10 that the defendant and the defendant's attorney have
11 signed the waiver and it's now been presented to me for
12 my review and signature.

13 Mr. Goldman, is that your signature on the
14 waiver of indictment?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Is that your signature, Mr. Jones?

17 MR. JONES: Yes, it is, Judge.

18 THE COURT: Thank you. I've taken into
19 consideration the statements made to me by the defendant,
20 as well as those made to me by his attorney Mr. Jones.
21 The defendant and defense counsel have signed and
22 executed the waiver documents, under the circumstances I
23 find that the defendant has knowingly, voluntarily and
24 intelligently waived his right to be prosecuted by a
25 grand jury. As such, I hereby accept the waiver and

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1 direct that it be entered into the records of the Court.

2 Mr. Jones, your client also wants to enter a
3 plea of guilty. Correct?

4 MR. JONES: That's correct, Judge.

5 THE COURT: All right. Mr. Goldman, before I
6 accept your plea, I will explain to you the rights that
7 you give up by pleading guilty and the consequences of
8 pleading guilty and I'll ask you some questions and if
9 I'm satisfied that your plea is knowing and intentional,
10 I will accept it.

11 However, before I go further, let me ask you
12 again. Have you received and read a copy of the
13 information in this case?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Have you had adequate time and
16 opportunity to discuss that information and all aspects
17 of your case with your attorney Mr. Jones?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Since you're pleading guilty,
20 you're giving up your right to a trial and I will now
21 discuss with you some of those rights. You have the
22 right to continue to plead not guilty. You have the
23 right to be represented by an attorney at trial and at
24 every other stage of the proceedings and if you could not
25 afford an attorney, one will be appointed for you by the

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1 Court. You would have a right to a speedy and public
2 trial by an impartial jury or to a trial by the Court
3 without a jury if you consented, the government consented
4 and the Court approved. At the trial you would be
5 presumed to be innocent under the law and the burden
6 would be upon the government to establish your guilt
7 beyond a reasonable doubt to the satisfaction of the jury
8 or to the Court if you waived a jury, the government
9 consented and the Court approved.

10 At the trial you would have the right to
11 confront any witnesses against you, the right to see and
12 hear those witnesses and to cross-examine them. You
13 would have the right to remain silent or to testify in
14 your own behalf but you could not be compelled to
15 incriminate yourself or to testify at all and your
16 silence could not be held against you in any way and no
17 inference of guilt could be drawn against you from your
18 failure to testify. You would have the right to use
19 subpoena or other processes of the Court to compel
20 witnesses to attend the trial and testify, and also to
21 obtain documentary evidence which you might wish to offer
22 in your defense.

23 If I accept your plea of guilty, sir, you are
24 waiving, that is, you're giving up each of these rights
25 that I have just listed, there will be no trial and I

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1 will have the same power to sentence you as if you had
2 been found guilty after a trial on the count to which you
3 plead guilty.

4 Mr. Goldman, do you understand that if your
5 plea is accepted, you will be adjudged guilty of that
6 offense the same as if there had been a jury trial and
7 the jury, after hearing all of the evidence, found you
8 guilty?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: After the clerk takes your plea, I
11 am going to ask you if you're pleading guilty freely and
12 voluntarily, about whether any promises of leniency have
13 been made to induce you to plead guilty other than what's
14 contained in the plea agreement and the addendum, if any;
15 about whether threats or force have been used to induce
16 you to plead guilty; about whether you did, in fact,
17 commit the crime charged so that I can determine whether
18 there is a factual basis for your plea.

19 You've been sworn in by the courtroom deputy.
20 Your answers, if not truthful, may later be used against
21 you in a prosecution for perjury or for making a false
22 statement. I will assure myself that you have been given
23 a copy of the information and that you understand it. I
24 will also assure myself that you have had an adequate
25 time to discuss this case with your attorney and that

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1 your attorney has advised you of the nature of the
2 charge, your rights, the factual basis for the plea and
3 the consequences of pleading guilty, and that you and
4 your attorney have discussed any defenses that you might
5 have and then I will question your attorney separately.

6 I must also tell you that your guilty plea
7 constitutes a waiver of your right against
8 self-incrimination. So I want to warn you not to plead
9 guilty unless you are in fact guilty of the charges made
10 against you in Count One of the Information to which you
11 are pleading guilty.

12 Mr. Goldman, do you understand all of the
13 rights that you have?

14 THE DEFENDANT: Yes, your Honor.

15 THE COURT: Do you still wish to plead guilty?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: All right. Miss Norton, would you
18 take the plea.

19 COURT CLERK: Mr. Goldman, would you please
20 stand. In the case of the United States of America
21 versus Jay Goldman, case number 15-CR-17, the United
22 States Attorney charges, in Count One of the Information,
23 transmission of wagering information. From on or about
24 January 1st, 2009, through on or about April 10th, 2013,
25 in Saratoga County in the Northern District of New York

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1 and elsewhere, the defendant, Jay Goldman, together with
2 others being engaged in the business of betting and
3 wagering, knowingly used and aided and abetted the use of
4 one or more wire communications facilities for the
5 transmission in interstate and foreign commerce, that is,
6 between the state of New York and other states and
7 countries, of bets and wagers and information assisting
8 in the placing of bets and wagers on sporting events and
9 contests and for the transmission of wire communication
10 which entitled the recipient to receive money and credit
11 as a result of bets and wagers and for information
12 assisting in the placing of bets and wagers, in violation
13 of Title 18, United States Code, Section 1084(a) and 2.

14 Mr. Goldman, how do you plead to Count One of
15 the information?

16 THE DEFENDANT: Guilty.

17 COURT CLERK: Do you acknowledge and admit to
18 the forfeiture allegations contained in within the
19 Information?

20 THE DEFENDANT: Yes, I do.

21 COURT CLERK: Thank you.

22 THE COURT: Be seated, Mr. Goldman. Mr.
23 Goldman, was your attorney appointed by the Court or
24 hired by you?

25 THE DEFENDANT: Hired by me, your Honor.

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1 THE COURT: Are you fully satisfied with Mr.
2 Jones' representation of you?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Has he advised you of your rights?

5 THE DEFENDANT: Yes, your Honor.

6 THE COURT: Is there anything that you need to
7 ask the Court about this proceeding?

8 THE DEFENDANT: No, your Honor.

9 THE COURT: Has your lawyer or any assistant
10 United States Attorney, any government agent or anyone
11 else made any promise that you would be treated leniently
12 or any other kind of promise to induce you to plead
13 guilty?

14 THE DEFENDANT: No, your Honor.

15 THE COURT: Has any force or threat been used
16 against you to induce you to plead guilty?

17 THE DEFENDANT: No, your Honor.

18 THE COURT: Are you pleading guilty freely and
19 voluntarily?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Are you presently on probation from
22 any other court or on parole from any institution?

23 THE DEFENDANT: No. No, only this court.

24 THE COURT: All right. Have you --

25 THE DEFENDANT: Pretrial probation.

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1 THE COURT: That I understand. Thank you.
2 Have you ever been arrested before?

3 THE DEFENDANT: Nothing other than speeding
4 tickets.

5 THE COURT: All right. Mr. Sharpe, does the
6 government have sufficient evidence to prove this
7 defendant guilty beyond a reasonable doubt?

8 MR. SHARPE: Yes, Judge, we do.

9 THE COURT: Mr. Goldman, in just a minute I'm
10 going to ask Mr. Sharpe to state what the government
11 would prove if this case had gone to trial. I will ask
12 you to listen carefully because when he completes that,
13 I'm going to ask you if that's what you did.

14 So, Mr. Sharpe, would you go ahead and state
15 what the government would prove if this case had gone to
16 trial.

17 MR. SHARPE: Judge, the parties have entered
18 into a plea agreement in this case. The plea agreement
19 is 22 pages and contains 7 paragraphs and various other
20 several subparagraphs. In that plea agreement, at pages
21 3 and 4 set forth in paragraph 4 are the elements of the
22 offense, as well as in paragraph 5 at pages 4 and 6 are
23 the factual basis for the guilty plea.

24 The government submits and asserts to the Court
25 that if this matter had gone to trial that we would

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1 establish and prove for those elements as well as that
2 factual basis for the plea beyond a reasonable doubt.
3 More specifically, Judge, the government would go through
4 what we would prove by way of a facts if the matter had
5 gone to trial.

6 It's the government's expectation that the
7 following would have been proven beyond a reasonable
8 doubt, Judge: From January 1st of 2009 through April
9 10th of 2013 Mr. Goldman and other members of an illegal
10 gambling business, that is, the other members,
11 transmitted and caused to be transmitted thousands of
12 wagers on professional sporting and other gaming events
13 from bettors in the Northern District of New York,
14 Florida, Indiana, California, Texas, Kansas, Nevada and
15 elsewhere, in violation of the laws of those states.

16 The defendant and the other members e-mailed,
17 Skyped, telephones and Internet websites such as
18 bookmaker.com, bigonsports.com, wagershack.com and
19 spartansportsbook.com as part of the illegal gambling
20 business. For the Internet websites they used the
21 telephone and Internet to provide bettors with personal
22 log-in codes and passwords and then directed the bettors
23 to these websites where the bettors placed wagers on
24 sporting events.

25 The websites referenced above reported the

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1 bets, grade them according to whether the bet was won or
2 lost, computed the resulting balance, taken into account
3 a 10 percent fee or vig or juice on average, payable to
4 the defendant and others acting as bookmakers as profit.
5 The websites also grouped individual betting accounts
6 under the umbrella of agent accounts assigned to
7 bookmakers such as the defendant. To assure that the
8 bookmakers received a profit, the defendant and other
9 members were permitted to review the balances on each
10 bettor's account through access to the websites' agent
11 accounts.

12 By accessing the individual master agent
13 accounts on the websites, the organization could easily
14 manage its large illegal gambling operation by viewing
15 and/or obtaining automated reports reflecting the
16 bettor's weekly wagering activities with balances to be
17 collected or paid, a communication that entitled the
18 defendant to receive money or credit as a result of bet
19 or wager. For example, computer records seized during
20 the course of the investigation showed that from
21 September 28 of 2010 to February 15th of 2011, one bettor
22 placed 407 bets with the defendant through website
23 WWW.bigonsports.com, totaling approximately \$262,000.

24 While in the Northern District of New York, the
25 defendant made and received numerous phone calls with

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1 other members and bettors located in other states that
2 were in furtherance of the illegal gambling business.
3 The defendant also participated in the illegal gambling
4 business from his Florida residence where he used his
5 cellular telephone to conduct his illegal gambling
6 business across state lines. During these calls bets and
7 wagers were placed by or made with the defendant and
8 information which assisted in the placing of bets or
9 wagers on sporting events was discussed.

10 The defendant also used a wire communication
11 facility known as Skype for the transmission in
12 interstate and foreign commerce between numerous states
13 of bets and wagers and information assisting in the
14 placing of bets and wagers on a supporting event. The
15 defendant also used bigonsports.com, bookmaker.com, and
16 wagershack.com. Using bookmaker.com, the defendant
17 accepted 663 bets totaling \$835,000 -- \$835,156.30.
18 Using wagershack.com the defendant accepted 7,919 bets,
19 totaling \$406,875. Those websites are located outside of
20 the United States. For example, when the defendant used
21 bigonsport.com to conduct the business of betting and
22 wagering while he was in Albany, New York, those
23 communications traveled through 18 different routers
24 starting in Albany, New York, and going through New York,
25 Washington, Atlanta, Miami before ending in a Costa Rica

1 IP address registered to American Data Networks, which
2 owned the websites spartansportsbook.com.
3 Spartansportsbook.com has a listed address of Suplitodo
4 S.A. Sabana Sur, San Jose, 1000 Costa Rica.

5 The illegal gambling business generated
6 substantial proceeds, including the following: one,
7 profits other than by the defendant and co-conspirators
8 in the gambling enterprise from settlements with
9 individual bettors who placed wagers with them via the
10 Internet; two, money paid by bettors held pending the
11 outcome of the bet; and three, commissions paid to the
12 defendant and co-conspirators in the gambling enterprise
13 by other agents and subagents. The defendant would
14 settle up with his clients by cash, typically by cash or
15 by check, which was often sent through the mail which he
16 deposited into his Bank of America account. The
17 defendant and other members also transferred funds
18 between various websites accounts.

19 Judge, those are the facts that the government
20 would establish had this matter gone to trial.

21 THE COURT: Thank you, Mr. Sharpe. Mr.
22 Goldman, you just heard what the government said that
23 they could prove if this case had gone to trial. Is that
24 what you did and what occurred in this case?

25 THE DEFENDANT: Yes, your Honor.

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1 THE COURT: Is that also your understanding,
2 Mr. Jones?

3 MR. JONES: It is, your Honor.

4 THE COURT: Thank you. There's a plea
5 agreement, correct, Mr. Sharpe?

6 MR. SHARPE: Yes, Judge. That's accurate.

7 THE COURT: Would you inform the Court and the
8 defendant about any stipulations in the plea agreement
9 that relate to the sentencing guidelines?

10 MR. SHARPE: Judge, in paragraph 6, that's --
11 page 7 is the part of the agreement that references the
12 sentencing stipulations, simply that the parties agree
13 where the applicable guidelines is set forth in U.S.S.G.
14 2E3.1 the base offense level is 12.

15 THE COURT: Thank you, Mr. Sharpe. Mr.
16 Goldman, do you understand the plea agreement and the
17 addendum, if any?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: I must inform you that the Court is
20 not bound by the stipulation in the plea agreement. Do
21 you understand that?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Do you also understand that by
24 pleading guilty, as set forth in the plea agreement,
25 you're waiving certain rights, including the right to be

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1 presumed innocent until proven guilty beyond a reasonable
2 doubt, the right to plead not guilty, the right to a
3 trial by jury, the right to confront, cross-examine and
4 compel the attendance of witnesses at trial, the right to
5 present evidence in your defense, the right to remain
6 silent and refuse to be a witness against yourself by
7 asserting the privilege of self-incrimination. So all
8 those are being waived. Do you understand that?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Do you understand that as set forth
11 in the plea agreement you're waiving any and all rights
12 to appeal or collaterally attack your conviction and any
13 sentence of imprisonment of 18 months or less, including
14 any issues with respect to the establishment of the
15 advisory sentencing guidelines range or the
16 reasonableness of the sentence imposed?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Do you understand that if I decide
19 to impose a sentence that is greater than 18 months, this
20 would not permit you to withdraw your guilty plea or to
21 appeal or collaterally attack your conviction but it
22 would merely allow you to appeal or collaterally attack
23 the sentence imposed by the Court to the extent permitted
24 by law?

25 THE DEFENDANT: Yes, your Honor.

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1 THE COURT: All right. Mr. Sharpe, would you
2 inform the defendant and the Court what the sentencing
3 possibilities are in this case.

4 MR. SHARPE: Yes, Judge. The maximum possible
5 potential statutory penalties are set forth in paragraph
6 3 of the agreement at page 3 and they include a possible
7 sentence of imprisonment of up to two years, a possible
8 fine of up to \$250,000 and a period of supervised release up
9 to one year, as well as imposition of a hundred dollar
10 special assessment. And in this case, Judge, the
11 government has also done a preliminary guideline estimate
12 and we believe that the pre-plea base offense level would
13 be 12, we believe him -- Mr. Goldman to be a Criminal
14 History Category I and that range would be 10 to 16
15 months; post-plea, that range would be 6 to 12 months,
16 Judge.

17 THE COURT: All right. Thank you, Mr. Sharpe.
18 Mr. Goldman, has Mr. Jones discussed the sentencing
19 guidelines with you and how they apply to your case?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Do you understand that I will
22 consider those guidelines in determining your sentence?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: Do you understand that once your
25 guideline range has been determined, I have the authority

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1 in some circumstances to depart from the guidelines and
2 impose a sentence that is more severe or less severe than
3 the sentence called for by the guidelines?

4 THE DEFENDANT: Yes, your Honor.

5 THE COURT: Do you understand that I won't be
6 able to determine what the guideline range will be for
7 you until after I receive and review a pre-sentence
8 investigation report?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Do you understand that a finding of
11 guilty may deprive you of certain valuable civil rights,
12 such as the right to vote, the right to hold public
13 office, the right to possess a firearm and the right to
14 serve on a jury?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: There are other factors that I have
17 to consider in determining your sentence and I'm just
18 going to tell you what those are. They're contained in
19 Title 18, United States Code, Section 3553(a) and they
20 include the nature and circumstances of the offense and
21 your history and characteristics as the defendant; the
22 seriousness of the offense; the need to promote respect
23 for the law and to provide just punishment for the
24 offense; the need to afford adequate deterrence of
25 criminal conduct; the need to protect the public from

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1 further crimes; the need to provide you with appropriate
2 education, vocational, medical or other treatment in an
3 effective manner; any pertinent policy issues issued by
4 the sentencing commission; the need to avoid unwarranted
5 sentence disparities; and the need to provide restitution
6 to the victims, if any, of the offense.

7 Now, I will also tell you that if you are
8 sentenced to prison, parole has been abolished, and if
9 sentenced to prison, you will not be released on parole.

10 Mr. Sharpe, does the defendant have the right
11 to withdraw his plea?

12 MR. SHARPE: He does not, Judge.

13 THE COURT: Mr. Goldman, do you understand that
14 if I decide that I do not agree with the sentencing
15 stipulations in the plea agreement and the addendum, if
16 any, you may not withdraw your plea?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Now that you have been informed of
19 the penalties to the extent that we know them and the
20 sentencing guidelines and my role under the guidelines,
21 do you still wish to plead guilty?

22 THE DEFENDANT: Yes, your Honor.

23 THE COURT: Are you pleading guilty because you
24 are guilty and for no other reason?

25 THE DEFENDANT: Yes, your Honor.

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1 THE COURT: You've advised me that you have
2 read the Information and that you have gone over it with
3 your attorney and that you understand it. Do you now
4 understand the penalties that could be imposed upon you
5 as a result of pleading guilty?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Other than what's contained in the
8 plea agreement and the addendum, if any, have any
9 promises been made to you as to what your sentence might
10 be?

11 THE DEFENDANT: No, your Honor.

12 THE COURT: Do you understand that you may not
13 appeal your sentence if I sentence you to 18 months or
14 less?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: All right. Mr. Jones, would you
17 state for the record your background and experience with
18 particular reference to the sentencing guidelines.

19 MR. JONES: Yes, your Honor. I have been
20 familiar with the sentencing guidelines since they were
21 promulgated in the late 1980s. I have appeared before
22 federal courts throughout the state of New York in
23 connection with criminal cases and unfortunately I have
24 had many clients sentenced under the federal sentencing
25 guidelines. As the Court knows full well, I've been --

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1 this court, courts in Utica and Syracuse and I am
2 thoroughly familiar with the sentencing guidelines and
3 the opportunities to depart from those guidelines and the
4 arguments that can be made in connection with the
5 guidelines on behalf of clients.

6 THE COURT: Thank you, Mr. Jones. Could you
7 state on the record about how much time you've spent with
8 your client on this case?

9 MR. JONES: I would say --

10 THE COURT: Approximately.

11 MR. JONES: Probably somewhere in the range of
12 60 to 90 hours, Judge.

13 THE COURT: Have you advised Mr. Goldman of his
14 rights, the nature of the charge against him and the
15 consequences of pleading guilty?

16 MR. JONES: On a number of occasions, Judge.

17 THE COURT: Did you get discovery from the
18 government on this case?

19 MR. JONES: Yes, we did.

20 THE COURT: Have you made any promises or
21 threats to induce your client to plead guilty?

22 MR. JONES: I have not.

23 THE COURT: Are you satisfied that he's
24 pleading guilty freely and voluntarily with an
25 understanding of the nature of the charge and the

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1 consequences?

2 MR. JONES: Yes, I believe.

3 THE COURT: Do you know of any viable defense
4 that the defendant could successfully interpose to the
5 charges made in this case?

6 MR. JONES: None.

7 THE COURT: Do you know of any other reason why
8 your client should not plead guilty here today?

9 MR. JONES: None.

10 THE COURT: Thank you, Mr. Jones.

11 I've taken into consideration the statements
12 made to me by you, Mr. Goldman, as well as those made to
13 me by your attorney, Mr. Jones, and the Assistant United
14 States Attorney Mr. Sharpe. Based on those discussions,
15 it's the finding of this Court that you have pled guilty
16 knowingly and voluntarily, that you are competent and
17 capable of entering an informed plea. That you
18 understand the charge against you and the consequences of
19 pleading guilty, that there was a basis in fact for the
20 Court accepting this plea into the record.

21 The plea agreement and the addendum, if any,
22 are incorporated into the record. I accept your plea and
23 you are now adjudged guilty of that offense.

24 I direct the probation department to prepare
25 and submit a pre-sentence report. Counsel, the clerk

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1 will electronically file the Northern District Uniform
2 Pre-Sentence Order. Once the pre-sentence report is
3 prepared, it will be lodged with the clerk's office and
4 you will receive it electronically through ECF. Any
5 objections to the report must be submitted in writing to
6 probation within 14 days of receipt of the report.

7 Sentencing is set for August 18th, 2015, at
8 11:30 A.M. here in Albany. I will repeat that. August
9 18th, 2015, at 11:30 A.M. here in Albany.

10 I have had the opportunity to review an update
11 from probation regarding the status of Mr. Goldman and
12 I've been advised that to date he has been compliant with
13 the terms of his supervised release. So, Mr. Goldman, I
14 will tell you that you are required to appear here for
15 sentencing on August 18th, 2015. Should you willfully
16 fail to appear at that time, that is itself a criminal
17 offense for which you could be subject to imprisonment.

18 All previous conditions of your release apply
19 pending your sentencing. The penalties for violating any
20 of those conditions can be severe. I'm also going to
21 direct you to meet with the probation officer so that a
22 pre-sentence investigation report can be prepared. You
23 must cooperate with the probation officer, answer
24 questions and provide information. Your attorney may be
25 present if you wish.

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1 I will also tell you and Mr. Jones that if I do
2 order imprisonment, you will be remanded on the day of
3 sentencing.

4 Is there anything further from the government
5 at this time?

6 MR. SHARPE: No thank you, Judge.

7 THE COURT: Anything further from the defense?

8 MR. JONES: No, your Honor.

9 THE COURT: All right. Court stands adjourned.

10 * * * * *

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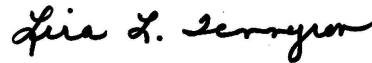
13 C E R T I F I C A T I O N

14

15 I, Lisa L. Tennyson, RMR, CSR, CRR, Official Court
16 Reporter in and for the United States District Court for
17 the Northern District of New York, hereby certify that
18 the foregoing 27 pages of testimony taken by me to be a
19 true and complete computer-aided transcript to the best
20 of my ability.

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Lisa L. Tennyson, R.M.R., C.S.R., C.R.R.

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